

Minutes
Bar Harbor Planning Board
October 15, 2008
Council Chambers – Municipal Building
93 Cottage Street

I. CALL TO ORDER — 6:08 p.m.

Members present: Kay Stevens-Rosa, Chair; Kevin Cochary, Vice-Chair; Dave Bowden. Also present: Anne Krieg, Planning Director; Kris Hultgren, Staff Planner; Lee Bragg, Town Attorney

II. EXCUSED ABSENCES

Mr. Cochary moved to excuse Ms. Williams from the meeting. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

III. ADOPTION OF THE AGENDA

Mr. Cochary moved to adopt the agenda. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

IV. APPROVAL OF MINUTES

Mr. Cochary moved to approve the minutes from the September 17 and October 1 meetings. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

V. REGULAR BUSINESS

A. Public Hearing – SD-07-06 – Owl's Nest Subdivision

Project Location: Stony Brook Way, Bar Harbor Tax Map 208, Lot 96

Applicant: Owl's Nest, LLC

Application: Proposes a 10 lot residential subdivision

Mr. Musson, representing the applicant, updated the Board on working out the stormwater misinterpretation with Oak Engineers. He reported that the applicant and Oak reached an agreement on the stormwater standards in the LUO. Oak Engineers submitted its findings in writing to the Planning Board.

Mr. Cochary asked if the applicant would do anything different on the stormwater design. Mr. Brochu, representing the applicant, described the process of adding 25% design capacity to the stormwater structures and reiterated the applicant's position that they feel they meet the stormwater standards in the LUO.

Mr. Bragg asked the applicant about the constructed driveway and if it would be built to town standards. Mr. Musson noted that it would be built to town standards. Mr. Bowden asked if this portion of the road would be included with the applicant's request to have the town adopt the road. Mr. Ross said that would be up to the town but it does not matter to the applicant.

Mr. Ross asked about the language for the modification of standard. The Board and the applicant reviewed the Modification of Standard language.

Ms. Stevens-Rosa opened the meeting to public hearing. There was no public comment.

Ms. Stevens-Rosa closed the public hearing.

The Board entered into deliberations.

Mr. Cochary noted the difficulty with the project details. He specifically mentioned the concerns of the neighbors and the time the applicant has put into the process.

Mr. Cochary moved, pursuant to section 125-64 of the Land Use Ordinance, to approve the applicant's request for a modification of the requirement for two street connection contained in section 125-67 (G)(2)(h) for the reasons that the modification is necessary to protect the health, safety and welfare of the residents of Bar Harbor and to address particular site characteristics. In support of that motion this project would be complying with section 125-67 (G)(2)(h) and would require a second entrance onto Route 3. The design is not feasible given the location of this parcel in relation to Route 3 and the general characteristics of the site. The Planning Board previously approved the Pine Ridge Subdivision with a single entrance onto Route 3 with the understanding that the subject parcel would necessarily be limited to a single street connection through the Pine Ridge Subdivision when it was further subdivided. In addition, Route 3 is a road that falls under the jurisdiction of the MaineDOT access management rules. The state's access management rules limit the number of entrances on to Route 3 in order to reduce car accidents at friction points. The safety of residents on Stony Brook Way and Owl's Nest Way have been accounted for by complying with the town of Bar Harbor's standards for public streets. The modification protects the welfare of all residents of Bar Harbor traveling on Route 3 without comprising the safety of the residents living in the subdivision. Mr. Bowden seconded. Ms. Stevens-Rosa noted that an important piece was the extension of the ROW into adjacent parcels. The Board voted unanimously to approve the motion.

Ms. Krieg reviewed the conditions of approval noting that the pre-treatment on Lot 8 shall meet the design standards approved by the town. Mr. Ross asked if this language could be a covenant in deed to make sure it gets done. The Board and the applicant agreed to use the language supplied in the Ransom Environmental report dated September 10 referring to the pre-treatment system on Lot 8.

The Board and the applicant reviewed the condition of approval requiring the conveyance of 0.02 acres to the immediate abutter of Lot 1 in the Pine Ridge subdivision. Both parties agreed to the condition.

Mr. Cochary moved to approve the project with the noted conditions and modification of standard. Bowden seconded and the Board voted unanimously to approve the motion.

VI. OTHER BUSINESS

A. Budget Requests

Mr. Cochary asked about allocated money for water quality and quantity issues like water testing in different subdivisions.

Mr. Bowden asked if money should be dedicated for the Board's work on affordable housing. The Board and Ms. Krieg discussed the suggestion. Mr. Cochary asked about getting Bar Harbor specific data regarding affordable housing and Ms. Krieg said she would see if the previous data could be updated.

B. Discussion about Land Use Ordinance amendments for June 2009 - Wind Turbine Ordinance

Mr. Hultgren updated the Board on the draft proposal of a wind turbine ordinance. He reviewed the contents of the proposal specific to height, setbacks, wind capacity, visual mitigation and noise. He noted that this introduction begins the process of circulating the draft to other boards, committees and town department's and it's likely the draft will be modified throughout the process.

Mr. Cochary asked about visual mitigation standards and the recourse for the Board if it feels if a wind turbine impacts scenic environment too much. Mr. Hultgren noted that the language was unclear in this respect and said he would review it and make adjustments.

Mr. Bowden inquired about the noise of turbines. He noted that most sound measurements are taken from a distance of 300' and this draft ordinance would allow for turbines to be within 300' of other properties. The Board discussed the noise generation of wind turbines. Mr. Hultgren agreed to research the matter further.

Note Cochary's addition

VII. PLANNING DIRECTOR'S REPORT

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

IX. ADJOURNMENT – 7:45

Mr. Cochary moved to adjourn. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

Signed as approved:

Lynne Williams, Secretary
Planning Board, Town of Bar Harbor

Date